

Minutes

Planning Committee

Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Wednesday, 5 September 2018
Time:	2.00 pm
Present:	Councillor J Cattanach in the Chair Councillors D Peart (Vice-Chair), I Chilvers, J Deans, M Jordan and P Welch and D White.
Officers Present:	Martin Grainger, Head of Planning, Ruth Hardingham, Planning Development Manager, Kelly Dawson, Senior Solicitor, Andrew Martin, Principal Planning Officer, Fiona Ellwood, Principal Planning Officer, Rebecca Leggott, Planning Officer, James Broadhead, Planning Officer and Victoria Foreman, Democratic Services Officer.
Press:	0
Public:	20

14 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Robert Packham, Liz Casling and Richard Musgrave.

Councillor Stephanie Duckett was in attendance at the meeting as a substitute for Councillor Packham.

Councillor Debbie White was in attendance at the meeting as a substitute for Councillor Musgrave.

Councillor David Buckle was in attendance at the meeting as a substitute for Councillor Casling.

15 DISCLOSURES OF INTEREST

There were no disclosures of interest.

16 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair welcomed a number of new Planning Officers to the meeting. He also thanked the Principal Planning Officer, Andrew Martin, and the Senior Solicitor, Kelly Dawson, for their contributions to the work of the committees, as this was their last committee.

The Chair also informed the Committee that an officer update note had been circulated.

The Committee noted that the order of the agenda had been adjusted to reflect the number of public speakers registered in relation to each application. The order of business would therefore be as follows:

1. 2018/0059/FUL – The Orchard, Garman Carr Lane, Wistow
2. 2018/0541/COU – Unit 4, Swordfish Way, Sherburn in Elmet
3. 2016/1077/FULM – Staynor Hall, Bawtry Road, Selby
4. 2017/1295/FULM – Turnhead Farm, York Road, Barlby
5. 2018/0260/FUL - Low Farm, Low Farm Road, Bolton Percy
6. 2018/0650/FUL – Land adjacent to 4 Sir Johns Lane, Sherburn in Elmet
7. 2018/0281/COU – Hillam and Monk Fryston Cricket Club, Chapel Street, Hillam

17 SUSPENSION OF COUNCIL PROCEDURE RULES

The Committee considered the suspension of Council Procedure Rules 15.1 and 15.6 (a) to allow for a more effective discussion when considering planning applications.

RESOLVED:

To suspend Council Procedure Rules 15.1 and 15.6 (a) for the duration of the meeting.

18 MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 11 July 2018.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 11 July 2018 for signing by the Chairman.

19 PLANNING APPLICATIONS RECEIVED

The Committee considered the following applications:

19.1 2018/0059/FUL - THE ORCHARD, GARMAN CARR LANE, WISTOW

Application: 2018/0059/FUL

Location: The Orchard, Garman Carr Lane, Wistow

Proposal: Erect extension to existing outbuilding (retrospective) in association with change of use from dwelling house C3b (6 residents) to Care Home C2 (8 residents)

The Principal Planning Officer presented the application which had been brought to committee because it was a minor application where 10 or more letters of representation had been received, which in the view of a Director, raised material planning considerations, and where officers would otherwise determine the application contrary to these representations.

Members noted that the application was to erect an extension to an existing outbuilding (retrospective) in association with change of use from dwelling house C3b (6 residents) to Care Home C2 (8 residents).

It was queried by Members whether, if the application was not approved by the committee, the reversion back to the current position (as a residential dwelling house that provided care for six residents) would include the extension to the existing outbuilding, which had already taken place. Officers confirmed that this would need to be investigated further.

John Hargreaves, objector, spoke in objection to the application.

Charles Clarke, Parish Council representative, spoke in objection to the application.

Eric Telford, agent, spoke in support of the application.

The Committee noted the July 2015 appeal decision from the Planning Inspectorate, which had been appended to the report, for a similar scheme in South Milford. The appeal had been allowed and costs awarded against Selby District Council.

Members agreed that there were no valid planning reasons why the application should be refused.

It was proposed and seconded that the application be approved.

RESOLVED:

To APPROVE the application subject to the conditions set out in paragraph 6 of the report.

19.2 2018/0541/COU - UNIT 4, SWORDFISH WAY, SHERBURN IN ELMET

Application: 2018/0541/COU

Location: Unit 4, Swordfish Way, Sherburn in Elmet

Proposal: Proposed change of use from B1 (light industrial) to D2 (leisure)

The Planning Officer presented the application which had been brought before Planning Committee as officers considered that although the proposal was contrary to the provisions of the Development Plan, there were material considerations which would justify approving the application.

Members noted that the application was for change of use from B1 (light industrial) to D2 (leisure).

In relation to the officer update note, it was noted that the application had been brought before the Committee for the reasons set out above, but that evidence had since been received that meant the application would comply with the relevant policy; however, as the application site was Council owned it was felt that it was appropriate for the application to still go to committee.

Lianne Lazenby, applicant, spoke in support of the application.

Members considered the application further and agreed that Condition 3, restricting use of the facility to between 16.45 and 21.00 Monday to Friday, and prohibiting use at weekends or bank holidays, should be removed in its entirety.

It was proposed and seconded that the application be approved.

RESOLVED:

To APPROVE the application subject to the conditions set out in paragraph 6 of the report, apart from Condition 3, which should be removed in its entirety.

19.3 2016/1077/FULM - STAYNOR HALL, BAWTRY ROAD, SELBY

Application: 2016/1077/FULM

Location: Staynor Hall, Bawtry Road, Selby

Proposal: Erection of 37 residential dwellings with associated highways infrastructure (Phase 3F)

The Principal Planning Officer presented the application; Members noted that the application was previously considered by the Planning Committee on 6 June 2018 where it had been resolved to grant planning permission subject to no objections following the further consultation, a section 106 agreement and conditions. However, it was considered that the application should be brought before Planning Committee for clarification of the earlier resolution in respect of the affordable housing provision, which was to be provided on and off-site.

Members noted that the application was for the erection of 37 residential dwellings with associated highways infrastructure (Phase 3F).

A question relating to the adoption of roads on the Staynor Hall development was raised by Members; officers confirmed that this was a Highways matter and was not related to the application under consideration, but that it could be looked into separately.

It was proposed and seconded that the application be approved.

RESOLVED:

To APPROVE the application subject to:

i. the conditions set out in the 6 June 2018 committee report; and

ii.a section 106 agreement based upon the heads of terms set out in Appendix C to the 5 September 2018 committee report.

19.4 2017/1295/FULM - TURNHEAD FARM, YORK ROAD, BARLBY

Application: 2017/1295/FUL

Location: Turnhead Farm, York Road, Barlby

Proposal: Proposed residential development (partial re-plan of approval 2013/0478/FUL) for twenty-seven

dwellings with associated infrastructure

The Principal Planning Officer presented the application; Members noted that the application was to be determined by the Planning Committee as officers considered that although the environs of the site were already under development through previous consents, the development was not in accordance with the provisions of the Development Plan which brought it to Committee. It was considered that there were material considerations that would justify approving the application.

Members noted that the application was for a proposed residential development (partial re-plan of approval 2013/0478/FUL) for twenty-seven dwellings with associated infrastructure.

In relation to the officer update note, the Committee noted that additional comments had been received from the Council's Contracts Team Leader and County Archaeologist. Further clarification was also provided in relation to the planning obligation, amenity, surface water, landscaping and general conditions. The recommendation was also amended.

Vikki Sykes, agent, spoke in support of the application.

The Committee asked officers questions about access to the nearby allotments, and for confirmation that nature reserve areas near the western boundary of the site would remain untouched; this was confirmed by the agent during her representations to the committee.

It was proposed and seconded that the application be approved.

RESOLVED:

To APPROVE the application subject to:

i. amended conditions 2 and 12, as set out in the Officer Update Note, and paragraph 6 of the report; and

ii. an appropriate planning obligation to secure:

- 10% affordable housing to be provided off-site (included**

- within the 24 units already secured as part of earlier phases of the development);
- On and Off-Site provision of Recreational Open Space; and
- a Waste and Recycling contribution.

19.5 2018/0260/FUL - LOW FARM, LOW FARM ROAD, BOLTON PERCY

Application: 2018/0260/FUL

Location: Low Farm, Low Farm Road, Bolton Percy

Proposal: Proposed erection of a four bedroom dwelling and garage

The Principal Planning Officer presented the application which had been brought before Planning Committee at the discretion of the Head of Planning due to the issues arising out of public responses. The application was deferred from the Planning Committee meeting of May 2018 due to queries raised by an objector.

Members noted that the application was for the proposed erection of a four bedroom dwelling and garage.

It was queried by the Committee if the site in question was brownfield; officers confirmed that it was former agricultural land, not brownfield, and was also outside development limits.

In relation to the officer update note, the Committee noted that officers had not been able to verify all the letters of support that had been received; three out of the 16 had been verified. Of the letters unverified, it had been pointed out that many of the letters were in similar handwriting and said the same things. Therefore, it was difficult to say that they were genuine and so little weight, if any, should have been given to these. An additional lengthy letter of objection had also been received from a local resident.

The key points raised in the letter were addressed verbally by the case officer and are summarised below:

- Paragraph 1.3 – The wording of the paragraph was correct, the application description needed amending as the layout plans indicated a 3 bedroom dwelling with an attached garage.

- Paragraph 4.14 – Comments made in the officer report were factually correct. The simple facts were stated and no conclusion was drawn or weight given to the previous consent for the garden use. Withholding that information would be more misleading.
- Paragraphs 4.15 and 4.21 – These were officer's opinion. No change to the report proposed. The objector referred to a situation where the deteriorated state of a Heritage Asset should not be taken into account if there had been deliberate neglect of the Heritage Asset. There was no evidence that a Heritage Asset had been deliberately neglected. In this case the proposal would result in the removal of an unsightly modern agricultural building which was in a poor state of repair. The building was an open fronted corrugate sheet building as seen on the photographs.
- Paragraph 4.16 - Officer opinion – no change.
- Paragraph 4.22 - Officer opinion – no change. Previous deferrals on the scheme were due to changing approach to applications following the 5 year land supply and various court cases. This resulted in the balance of approval being one of refusal and the applicant decided to re-design the scheme to weigh the balance more in favour. Subsequent appeal decisions and case law further tightened up the Council's approach to development outside of settlements resulting in the balance tipping against this scheme.
- Paragraph 4.25 - The report was correct. The Highway Authority required that the footpath and amended plans were received on the barn conversion application to provide this. The objector said the the footpath does not lead anywhere and was not necessary beyond the driveway. However, it was not intended to lead anywhere but to provide a footpath at the front of the site for the occupants to walk into the village without walking on Low Farm Road. It would enable visitors pulling up outside the site to walk safely off road.
- Paragraph 4.26 - The objector pointed to local knowledge of problems and the Parish Council's concerns. However, if the Highway Authority did not

raise concerns there would be difficulty sustaining a reason for refusal on appeal.

- Paragraph 4.28 – The objector raised concerns of disturbance during construction, lack of amenity and referred to lack of assessment by officers. Disagreed with these points and assessment stands (it could be explained in full but the report was brief).
- Paragraph 4.31- The EA were not consulted as this was in Flood Zone 1 nor has the Council been notified by the EA that this was an area of critical drainage issues. If the Committee were to approve then conditions would be required to ensure the rate of surface water discharge met the required standards.
- Paragraph 4.33 – The paragraph was left over from previous reports and should be removed. However, SP15 was still part of the development plan.
- Paragraphs 4.37 and 4.38 - No change to the report given the applicant's response set out in paragraph 4.38.
- Paragraph 4.40 - As stated in the report, a Contamination Report was not a requirement. Following objections it was requested and the applicant agreed to provide this. Consultation had taken place and conditions were recommended.

Members noted that out of the letters of support, one had been from Bolton Percy village, and two were from Appleton Roebuck.

Jennifer Hubbard, agent, spoke in support of the application.

It was proposed and seconded that the application be refused.

RESOLVED:

To REFUSE the application for the reason set out in paragraph 7 of the report.

19.6 2018/0650/FUL - LAND ADJACENT TO 4 SIR JOHNS LANE, SHERBURN IN ELMET

Application: 2018/0650/FUL

Location: Land Adjacent to Number 4, Sir Johns Lane, Sherburn in Elmet

Proposal: Proposed erection of a two storey detached dwelling

The Principal Planning Officer presented the application which had been brought before committee as the application had been made by a District Councillor.

Members noted that the application was the proposed erection of a two storey detached dwelling.

The Committee asked officers a number of questions relating to the loss of views from neighbouring properties and the nearby heritage monuments.

Paul Kirkbride, objector, spoke in objection to the application.

Officers confirmed that should permission be granted, the commencement of work would depend on access to the main sewer being granted via the neighbouring property at 26 Croftway. In light of this, the Committee agreed that an additional condition should be added stating that sewerage arrangements are resolved before any work could commence on the development.

It was proposed and seconded that the application be approved.

RESOLVED:

To APPROVE the application subject to the conditions set out in paragraph 6 of the report and an additional condition that no development shall commence until a scheme for the disposal of foul drainage had been submitted to, and approved in writing by, the local planning authority.

19.7 2018/0281/COU - HILLAM AND MONK FRYSTON CRICKET CLUB, CHAPEL STREET, HILLAM

Application: 2018/0281/COU

Location: Hillam and Monk Fyston Cricket Club, Chapel Street, Hillam

Proposal: Change of use from D2 (assembly and leisure) to mixed use D1 (non-residential institution) and D2 (assembly and leisure) to provide a cricket pavilion

and nursery

The Planning Officer presented the application which had been brought before Planning Committee since the development was not in accordance with the provisions of the Development Plan which brought it to Committee. It was considered that there were material considerations that would justify approving the application.

Members noted that the application was for change of use from D2 (assembly and leisure) to mixed use D1 (non-residential institution) and D2 (assembly and leisure) to provide a cricket pavilion and nursery.

The Committee asked questions relating to road passing places, the suitability of use as both cricket club and nursery and nearby flood zones. Officers confirmed that the provision of passing places was not part of the application under consideration, and it was not anticipated that there would be difficulties in using the cricket club as both nursery and club house, as the two activities would be taking place at different parts of the day and week. In relation to flooding, it was explained to Members that only part of the cricket club's car park came under Flood Zone 2, not the building where the nursery would be.

In relation to the officer update note, the Committee noted that it provided clarification on paragraph 4.20 of the report which incorrectly referenced 'paragraph 104' of the 2012 NPPF. The reference should have been to paragraph 164 of the 2018 NPPF. The wording of these paragraphs was different but the message was the same, and therefore did not alter the assessment of the application.

It was proposed and seconded that the application be approved.

RESOLVED:

To APPROVE the application subject to the conditions set out in paragraph 6 of the report.

The meeting closed at 3.57 pm.